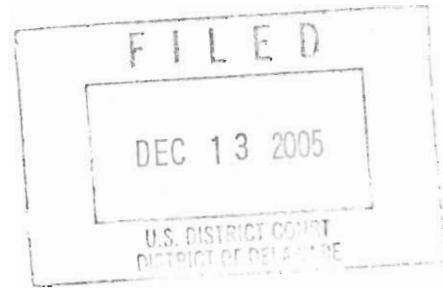


**ORIGINAL**  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN H. BENGE, JR., )  
PETITIONER )  
 )  
 )  
 )  
v. )  
 )  
 )  
RICK KEARNEY, WARDEN )  
SUSSEX CORRECTIONAL )  
INSTITUTION; AND M. )  
JANE BRADY, ATTORNEY )  
GENERAL OF THE STATE )  
OF DELAWARE )  
RESPONDENTS )  
 )

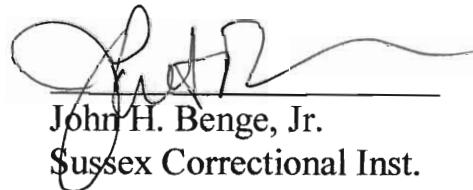
Civil Action No. 05-0550GMS



**FRCP RULE 25 (d)(1) MOTION FOR AN ORDER OF  
SUBSTITUTION OF SUCCESSOR TO PUBLIC OFFICE**

**COMES NOW,** John H. Benge, petitioner above-named. *pro se* and pursuant to FRCP Rule 25(d)(1) and moves for an order of this Court substituting Carl Danberg, Esq., as successor in office to M. Jane Brady, Esq. and amending the caption in the above case accordingly, substituting Carl Danberg as a respondent therein. Petitioner waives the right to file any further brief with respect to this motion.

Date: December 7, 2005



John H. Benge, Jr.  
Sussex Correctional Inst.  
P.O.Box 500  
Georgetown, DE 19947

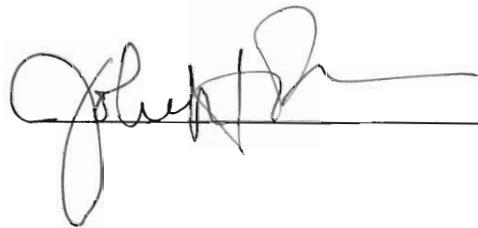
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the attached motion was served on December 7, 2005 by depositing the same in the prisoner mail dropbox at Sussex Correctional Institution, Georgetown, Delaware, first class mail, postage prepaid, and addressed to:

Thomas E. Brown, Esq.  
Deputy Attorney General  
Department of Justice  
820 North French Street  
Wilmington, DE 19801

I hereby certify under penalty of the laws of the United States of America that the foregoing is true and correct.

Executed on December 7, 2005

A handwritten signature in black ink, appearing to read "Thomas E. Brown", is written over a horizontal line.

I/M: J. BENG BLDG. MER W  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
UNITED STATES COURTHOUSE  
844 NORTH KING STREET,  
WILMINGTON, DE

19801 -